



Energy exempt sellers – requirements and obligations regarding small business customers

- Are you a landlord, lessor or management corporation and do you sell energy to your tenants in commercial or retail developments such as shopping centres, office buildings or industrial parks?
- If you buy energy from another person or business—usually an authorised energy retailer—and then sell it to a customer through an embedded network, such as a shopping centre, office building or industrial park you likely need an exemption from the requirement to be an authorised energy retailer. Persons who require an exemption from the requirement to be authorised energy retailers are called exempt sellers.
- The AER is responsible for administering retail exemptions. As an exempt seller you must comply with a number of exemption conditions, designed to protect your customers.
- This factsheet is not intended to refer to every condition of your exemption. You should refer to the full list of your obligations as set out in the [AER's Retail Exempt Selling Guideline](#).

Exemptions and how they apply

- There are three types of exemptions: deemed, registrable and individual.

Deemed exemptions

- A deemed exemption applies automatically to certain types of energy sellers
- If you are eligible for a deemed exemption, you do not need to apply or register with us. Eligibility will depend on the type of energy selling activities you undertake
- Activities that might qualify include businesses who sell metered energy to fewer than 10 small business customers. A full list of activities that require a deemed exemption is set out in the [Retail Exempt Selling Guideline](#)
- You must comply with the conditions attached to your deemed exemption.

Registrable exemptions

- If you are eligible for a registrable exemption, you must register your energy selling activities with the AER by completing the [online registration form](#). The AER will publish your exemption on the [public register of retail exemptions](#)
- Activities that might qualify include businesses that sell metered energy to 10 or more small business customers. A full list of activities that require a registrable exemption is set out in the [Retail Exempt Selling Guideline](#)
- You must comply with the conditions attached to your registered exemption.

Individual exemptions

- If you are not eligible for a deemed or registrable exemption you can apply to the AER for an individual exemption
- Individual exemptions are generally intended for unusual or one-off energy selling arrangements which do not fit into any of the deemed or registrable exemption categories. They allow the AER to tailor the conditions of the exemption to the specific situation
- You should contact the AER to discuss your specific circumstances if you are thinking of applying for an individual exemption.

Exempt selling obligations

- Your exempt selling obligations will depend on your relevant exemption. A full list of your obligations can be found in the [Retail Exempt Selling Guideline](#).

As an exempt seller you must not charge:

- higher tariffs than the local area retailer would charge under their standing offer
- fees that could not be charged by the local area retailer under their standing offer.

As an exempt seller you must provide your customers with:

- information outlining their rights and protections
- a bill at least once every three months that:
 - › includes details of all tariffs, fees and charges that will apply
 - › gives at least 13 business days for the bill to be paid
 - › clearly states when an estimated meter reading is used (which should not be done unless you cannot reasonably or reliably base the bill on an actual meter reading).

As an exempt seller you must notify your customers of:

- any price changes as soon as practicable and no later than the customer's next bill
- your process to resolve disputes
- information about relevant government or non-government energy rebates, concession and relief schemes.

As an exempt seller you must:

- provide contact details for account and other enquiries
- maintain a record of all your customers.

As an exempt seller you cannot disconnect a customer:

- without first giving them a reminder notice and a disconnection warning letter
- at certain times of the day (for example, before 8.00 am or after 3.00 pm) or on certain days of the year (such as weekends and public holidays)
- for issues unrelated to energy, for example, not paying rent or maintenance problems (unless allowed by jurisdictional legislation).

What happens if I do not meet all of my obligations?

- You must comply with all the conditions of your exemption and keep up to date with any changes to conditions
- If you do not, the AER may take enforcement action against you, which can include a significant financial penalty.

Can my exemption be revoked?

- **Yes** – the AER has the power to revoke an exemption. This means you could not legally sell energy.

Please see the [Retail Exempt Selling Guideline](#) for more information.

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Inquiries about this publication should be addressed to:
Australian Energy Regulator

GPO Box 3131
Canberra ACT 2601
Tel: 1300 585 165